

TO TAKE CRAIG CASE TO SUPREME COURT

Counsel for Comptroller to
Ask for Review of Con-
tempt Decision.

WRIT IS LAST RESORT

If U. S. Tribunal Refuses
Petition, 60 Day Sentence
Must Be Served.

JUDGES EVENLY DIVIDED

Two Who Have Sat on Mayer's
Finding Hold There Was
No Contempt.

Edmund L. Mooney, counsel for Comptroller Charles L. Craig, who was adjudged guilty of contempt of court by Federal Judge Mayer, will file with the United States Supreme Court tomorrow a petition for a writ of certiorari to review the decision of the United States Circuit Court of Appeals in the contempt proceedings. Mr. Mooney explained the extreme importance of the step. In the event of the refusal of the United States Supreme Court to grant a writ, there is no escape possible for the Comptroller from serving the sixty day sentence in the Essex county jail imposed by Judge Mayer and affirmed by the Circuit Court of Appeals.

The question of what constitutes contempt of court will be put up to the highest court, the last step that can be taken to keep Mr. Craig out of prison. If the application fails the Comptroller automatically becomes a prisoner, his person being taken into physical custody, any impression to the contrary notwithstanding.

It will be recalled that when Judge Mayer appointed receivers for the Brooklyn Rapid Transit Company, the Interborough Consolidated and several of their subsidiary lines, the Corporation Counsel asked that receivers be appointed to the Board of Estimate be named so that the city's interests might be amply protected. This Judge Mayer refused to do. Some nine months later

in a letter to Mr. Nixon, Public Service Commissioner, Comptroller Craig took occasion to pass strictures on the court for its action. Mr. Craig thereupon was cited for contempt of court, tried before Judge Mayer, found guilty, sentenced and taken into custody by the marshal. The four judges who have sat in review of Judge Mayer's finding have divided evenly on the question of its correctness. Circuit Judges Rogers and Hough have voted to sustain it. Circuit Judge Manton and District Judge Learned Hand have held that there was no contempt.

In Mr. Mooney's petition for a writ of certiorari, which constitutes a voluminous document, the legality of the rulings of the lower courts against the Comptroller in his long legal battle for liberty is attacked, but the main contention, of course, is that no contempt was committed.

Mr. Mooney contends that Comptroller Craig was deprived of his liberty without due process of law, inasmuch as the court acted in excess of its jurisdiction in assuming to punish the petitioner for contempt when in his act

there was no possibility of the "obstruction" of justice. Mr. Craig's letter was written when no judicial determination of any character was pending and justice in the court, and Mr. Mooney cites decisions of the Supreme Court to show that criticism of the courts after the conclusion of judicial cognation is not punishable as contempt, even if the criticism be unwarranted.

The jurisdictional authority of the Circuit Judges throughout the United States also is involved in the case. Mr. Mooney holds that Congress, when it enacted the judicial code, did not intend to deprive the Circuit Judges of any of the powers exercised since the creation of their office.

Mr. Mooney furthermore calls attention of the court to the fact that if Craig's conviction stands he will be prevented from freely exercising his office in safeguarding the financial interests of the city with regard to the traction properties under control of the court, lest by word or act of a like kind he be again put in jeopardy of imprisonment.

DR. LORENZ WILL HOLD CLINICS FOR CRIPPLES Viennese Surgeon to Function at Newark Dispensary.

Dr. Adolph Lorenz, Viennese orthopedic surgeon, who returned from Europe Friday, will conduct three clinics for cripples every Thursday at the Newark City Dispensary, Washington and William streets, beginning this week. It was announced yesterday by Dr. Carl R. Keppler, a close friend.

Dr. Keppler conferred with Dr. Lorenz in the Murray Hill Hotel, Manhattan, shortly after his arrival. It was reported that the surgeons discussed plans for accepting the offer of a building, and \$50,000 for the establishment in Newark of a clinic for Dr. Lorenz, made upon his recent visit here by George Ohl, Jr., Newark machinery manufacturer.

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As for the necessary Sports Clothes and accessories—everything that is newest and most fashionable may be found here, including riding habits and golf togs. Also the best makes in golf clubs; as well as golf balls and bags, tennis rackets and balls, riding crops, etc.

Women's Fashionable Costume Tailleurs

(coat-and-frock models)

many of them of an extremely luxurious type, are a feature of commanding interest in the Department for Ready-to-wear Suits.

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